

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of the Claims

Claims 1-15 and 20 were pending in this application. Claims 1-15 and 20 have been canceled without prejudice or disclaimer by way of this reply. Further, claims 21-36 have been newly added. Claims 21 and 36 are independent. The remaining claims depend, directly or indirectly, on claim 21.

Objection(s) to the Specification

The specification stands objected to for not including proper subheadings. As suggested by the Examiner, subheadings were added so that the amended specification now includes all required sections in order. Accordingly, withdrawal of this objection is respectfully requested.

Objection(s) to the Claims

Claims 2, 14, and 20 stand objected to for typographical errors. Claims 2, 14, and 20 have been canceled, thereby rendering this objection moot.

Rejection(s) under 35 U.S.C. §112

Claims 1-15 and 20 stand rejected under 35 U.S.C. §112 for indefinite language purposes and improper grammar. Claims 1-15 and 20 have been canceled, thereby rendering this rejection moot.

Rejection(s) under 35 U.S.C. §103

Claims 1-8, 15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,929,588 ("Shiah") in view of U.S. Patent No. 4,127,911 ("Cupp et al."). Claims 1-8, 15, and 20 have been canceled, thereby rendering this rejection moot.

Claims 9-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shiah in view of Cupp et al., as applied to claim 1 above, and further in view of U.S. Patent No. 6,703,732 ("Grass"). Claims 9-13 have been canceled, thereby rendering this rejection moot.

Claim 14 stands rejected as being unpatentable over Shiah in view of Cupp et al., as applied to claim 1 above, and further in view of U.S. Patent No. 6,282,825 ("Godfrey et al."). Claim 14 has been canceled, thereby rendering this rejection moot.

New Claims

New claims 21-36 have been added by way of this reply for purposes of clarification. Support for these amendments may be found, for example, at least in the original claims and in Figs. 1-7 of the originally filed Specification. No new matter has been added.

Applicant asserts that new claims 21-28, 35, and 36, corresponding to canceled original claims 1-8, 15, and 20, are patentable over Shiah and Cupp et al. for at least the following reasons.

Referring to the detailed description for purposes of illustration only, embodiments of the invention are directed to a fixing device that enables a multipolar magnetic ring to be fixed to

a gear intended to be driven in axial rotation by an electric motor (*see, e.g.*, paragraph [0001] of of the publication of the present application, U.S. Patent Publication No. 2006/0196294). The magnetic ring 10 is immobilized against the gear 20 using only the stop elements 22a, 22b and the retaining clips 23 (*see* paragraph [0032] and Fig. 3 of the publication of the present application). Accordingly, new claims 21 and 36 each recite, *inter alia*, “wherein the at least one stop element and the at least one retaining clip immobilize the magnetic ring against the gear.”

The Examiner admits that Shiah does not disclose a clipping mechanism, *i.e.*, a retaining clip and a retaining projection, a stop element and an anchor projection et al., as required by claim 20, but cites Cupp et al. as disclosing the same (*see* Office Action dated 05/14/2008, pages 6-7). Applicant respectfully asserts that the combination of Shiah and Cupp et al. does not show or suggest at least the aforementioned feature of the claimed invention.

Specifically, the alleged clipping mechanism of Cupp et al. is merely a handle and pad attachment mechanism. A plurality of hooks 25 (the alleged stop elements) and the locking boss 35 (the alleged retaining clip) on the pad 11 lock slidably inserted flange square sides 43-46 of the handle 12, leading to immobilization of the handle 12 (*see, e.g.*, Figs. 1-3 of Cupp). The alleged retaining clip 35 does not have a coupling direction perpendicular to the plane of the pad 11. Even if it were to be assumed that the pad 11, including the alleged stop elements and the retaining clip, equates to the gear, and the handle 12 equates to the magnetic ring, the combination of this attachment mechanism of Cupp et al. with the gear 44 and ring magnet 64 of Shiah would necessitate placing the alleged stop elements in the center of the gear 44 and holding the ring magnet 64 in between spaced stop elements. This would render the ring magnet 64 immobile on the

gear 44 *against the alleged stop elements* but would not render the ring magnet 64 immobile *against the gear 44* itself, as required by new claims 21 and 36.

In addition, the ring magnet 64 of Shiah is merely a magnetized medium that is magnetized into a plurality of geometrically sequenced pole pairs that provide for high resolution magnetic signals to the sensor circuit (*see* col. 4, lines 12-26 of Shiah). Holding the ring magnet 64 between spaced stop elements would not provide for radial contact with the gear 44, thereby implying that Cupp et al. teaches away from Shiah and the present invention.

Thus, Shiah and Cupp et al., whether considered separately or in combination, do not show or suggest at least “wherein the at least one stop element and the at least one retaining clip immobilize the magnetic ring against the gear,” as required by new claims 21 and 36. New independent claims 21 and 36 are, therefore, patentable over Shiah and Cupp et al. Dependent claims 22-35, directly or indirectly dependent on claim 21, are also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

New claims 29-33, corresponding to canceled original claims 9-13, are patentable over Shiah, Cupp et al., and Grass for at least the following reasons.

As discussed above, Shiah and Cupp et al., whether considered separately or in combination, do not show or suggest at least “wherein the at least one stop element and the at least one retaining clip immobilize the magnetic ring against the gear,” as required by new claims 21 and 36. Grass also does not show or suggest the aforementioned limitation, thereby failing to supply that which Shiah and Cupp et al. lack with regard to claims 21 and 36. This is evidenced by the fact

that Grass was cited by the Examiner as merely showing a radial clamping element and a guiding lip (*see* Office Action dated 05/14/2008, page 9).

Thus, Shiah, Cupp et al., and Grass, whether considered separately or in combination, do not show or suggest all of the limitations of claims 21 and 26. Claim 21 is, therefore, patentable over Shiah, Cupp et al., and Grass. Dependent claims 29-33, directly or indirectly dependent on claim 21, are also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 34, corresponding to canceled original claim 14, is patentable over Shiah, Cupp et al., and Godfrey et al. for at least the following reasons.

As discussed above, Shiah and Cupp et al., whether considered separately or in combination, do not show or suggest at least “wherein the at least one stop element and the at least one retaining clip immobilize the magnetic ring against the gear,” as required by new claims 21 and 36. Godfrey et al. also do not show or suggest the aforementioned limitation, thereby failing to supply that which Shiah and Cupp et al. lack with regard to claims 21 and 36. This is evidenced by the fact that Godfrey et al. were cited by the Examiner as merely showing beveled edges for holding a magnet within a locking member (*see* Office Action dated 05/14/2008, page 10).

Thus, Shiah, Cupp et al., and Godfrey et al., whether considered separately or in combination, do not show or suggest all of the limitations of claims 21 and 26. Claim 21 is, therefore, patentable over Shiah, Cupp et al., and Godfrey et al. Dependent claim 34, directly

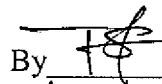
dependent on claim 21, is also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17102/024001).

Dated: September 11, 2008

Respectfully submitted,

By  #45,079
Jonathan P. Osha THOMAS SCHERER
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant